

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
JULY 12, 2011

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Amy Kelley, Systems Administrator
Barbara Hathaway, Library Director
Stephen Myrick, Building Official
Giancarlo Patino, Associate Engineer
Brenda Galindo, Administrative Analysis

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, July 12, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Recognition and presentation of awards to Bee Cave Police Officers Mark Kessler, Eric Cuevas and David Morrow.

Edie Surtees representing Mother's Against Drunk Drivers presented the 2010 Enforcement Hero Award to Officer Mark Kessler.

Police Chief Russell Pancoast and Mayor Murphy recognized and awarded medals to Officers Cuevas and Morrow.

Citizen Comments

There were not any comments at this time.

Consider approval of minutes of the Regular meeting conducted on June 28, 2011 and Special Session conducted on July 6, 2011.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve the minutes of June 28th as amended and the minutes of July 6th as presented.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Public hearing, discussion and possible action on the replat of Block A, Lot 17, to create Phase 1, Block A, Lots 17-A – 17-E of the “Amended final plat Hill Country Galleria of Lots 1-3, 6-8 and 10-26, Block A, Lots 1-3, Block B and Lot 1, Block C,” for Hill Country Galleria Townhomes located on Galleria Circle.

Adrian Overstreet, Asset Manager for the Hill Country Galleria, was present at the meeting to answer questions.

Scott Foster, Vice President of Kimley-Horn & Associates, was also present to answer questions.

Mayor Murphy called the public hearing to order at 6:13 p.m.

There being no public testimony on this item, the public hearing was closed at 6:14 p.m.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve the replat of Block A, Lot 17, to create Phase 1, Block A, Lots 17-A – 17-E of the “Amended final plat Hill Country Galleria of Lots 1-3, 6-8 and 10-26, Block A, Lots 1-3, Block B and Lot 1, Block C,” for Hill Country Galleria Townhomes.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on the site plan for Hill Country Galleria Townhomes, located on Galleria Circle.

This item will be continued to the next City Council meeting.

Discuss and consider action on the site plan amendment for Falconhead West Phase I, Section I and Lot 31, Block C of Phase I, Section II and Phase II for LPG tank site.

Don Walden, Developer of Falconhead West, reported on this item. Amber Rothwell, Landscape Architect, also reported on this item.

Jason Foster of Ferrell Gas was present at the meeting and fielded questions from the Council and homeowners.

Brad Messer, 4501 Mont Blanc, commented that the proposed site plan had been in place for a long time but the homeowners were not informed when they purchased their property. He stated that the proposal for the tank site was not viable.

Lupe Elghoul, 4325 Vail Divide, commented about the installation of the vaporizers and that Ferrell Gas had informed the homeowners that the vaporizers would take care of the shortage last winter.

Jana Studameyer, 4500 Mont Blanc Drive, commented that the tank should be buried and that the only reason it was not being buried was economical reasons.

Patrick Flores, 4505 Pyreness Pass, commented that he wanted the site plan approved but he could live with the disruption if there was a better solution for the future.

Susan Blaine 4520 Mont Blanc Drive, commented that the tank was originally in this location but were pulled out when the homes started being built along Vail Divide. She asked that the City Council table this item until a better solution could be reached.

Dan Park, 4509 Mont Blanc Drive, commented that a smaller tank could be used. He stated that he lived within the 500 feet from the tank and the playground.

Brent Schroeder, 4504 Mont Blanc Drive, stated that he agreed with the other comments and that he did not want to have to choose between having heat and aesthetics. He asked for a long-term plan.

City Attorney Patty Akers requested that the City Council convene in Executive Session to discuss their legal options.

The City Council closed the Open Session at 8:13 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 8:26 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Murphy, to postpone this item and to instruct the City Staff to work with the applicant regarding alternatives to the application for the site plan amendment.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

The City Council asked that the applicant seek input from the residents and submit those to the City Staff for review.

Discuss and consider action extending a site plan for 18 months for IBC Bank, property located at 13212 SH 71 West.

Stephen Butler representing IBC Bank was present at the meeting.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve the extension of the site plan for IBC Bank for 18 months.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett and
Murphy
Voting Nay: Council Member Goodwin
Absent: None

The motion carried 4-1.

Discuss and consider action on Ordinance No. 93, an ordinance changing roads American Kestrel and Cooper's Hawk in the Falconhead development from private to public.

Council Member Dorsett presented a potential conflict of interest and was not present during the discussion of this item.

City Administrator Frank Salvato presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 93 accepting American Kestrel and Cooper's Hawk roads as public roads in the City with the transfer of the maintenance funds in the amount of \$8,973.21 from the Homeowner's Association and setting the speed limit at 30 miles per hour.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Council Member Dorsett returned to his seat at the dias.

Discuss and consider action on the selection of an audit firm.

Mr. Salvato stated that due to the experience with municipal clients and 380 agreements, the staff was recommending Patillo, Brown and Hill as the audit firm.

MOTION: A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to authorize the staff to execute an agreement with Patillo, Brown and Hill in an amount not to exceed \$20,000 but to encourage the Staff to negotiate the amount.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett and Goodwin
Voting Nay: Council Member Murphy
Absent: None

The motion carried 4-1.

Discuss and consider action on the renewal of a consulting agreement with The BeneTex Group, Inc. for employee benefits.

Administrative Analysis Brenda Galindo presented this item and answered questions.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve the renewal of a consulting agreement with the BeneTex Group, Inc. for employee benefits in an amount not to exceed the lump sum payment of \$8,000.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action approving an Economic Development Corporation Project and contract for acquisition of open space and for Falconhead West trail layout.

City Administrator Frank Salvato reported on this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Murphy, to approve the action taken by the Economic Development Board to extend the original agreement with Falconhead West, LP, with the contract terms for 180 days from date of execution, pending the developer attaining a state variance from Texas Accessibility Standards issued by the Texas Department of Licensing and Regulation.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on Ordinance No. 91, an ordinance amending the budget for the Economic Development Board for fiscal year 2010-2011.

Deputy City Administrator Travis Askey presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve Ordinance No. 91, amending the budget for the Economic Development Board for fiscal year 2010-2011.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on Ordinance No. 92, an ordinance amending the City budget for fiscal year 2010-2011.

Mr. Askey presented this item.

Library Director Barbara Hathaway and Police Chief Russell Pancoast presented their requests for additional expenses.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve Ordinance No. 92 amending the City budget for fiscal year 2010-2011 as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy

Voting Nay: None
Absent: None

The motion carried.

Executive Session

The City Council closed the Open Session at 9:42 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. LCRA Rate Case litigation.
- B. Consultation with Attorney regarding acquisition of LCRA water/wastewater systems, to include possible condemnation of the West Travis County systems.
- C. Consultation with Attorney regarding the acquisition of primitive parkland owned by Falconhead West, L.P.
- D. Consultation with City Attorney regarding authority of city to enforce building, sign and development ordinances and possible litigation with business desiring to open adult novelty store.

The City Council closed the Executive Session at 12:00 a.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on Ordinance No. 94, an ordinance amending Article 20.05 Electric Utilities and Article 16.03, Public Rights of Way of the Bee Cave Code of Ordinances with regard to the requirement that electric utilities be placed underground.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the red-lined version of Ordinance No. 94 as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the approval of an amendment to the contract with Downing Ferguson Peeples for Architectural/Engineering Design Services for City Hall.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Dorsett, to approve the amendment to the contract with Downing Ferguson Peeples for Architectural/Engineering Design Services for City Hall.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action to appoint a committee/individual to review policies/ordinances/regulations dealing with alternative electrical power sources for residential and business entities.

No action was taken on this item.

Adjournment

MOTION: A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

The City Council adjourned the Regular Session at 12:06 a.m.

PASSED AND APPROVED this 26th day of July, 2011.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]